

1 Aaron G. Stites (Cal. Bar No. 255994)  
agstites@stitesfirm.com  
2 STITES LAW FIRM  
4215 Tierra Rejada Road, #197  
3 Moorpark, CA 93021  
4 Tel: (310) 743-6438

5 *Attorney for Plaintiff*

6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**  
10

11  
12 NORMA DAVIS,

13 Plaintiff,

14 v.  
15

16 LOS ANGELES TRAVELODGE WEST  
17 PARTNERSHIP, L.P.

18 Defendants.  
19

) Case No. CV08-8279 CBM (CTx)

)  
) Honorable Consuelo B. Marshall

) **DISCOVERY MATTER**

) [Referred to Hon. Carolyn Turchin]

) **LOCAL RULE 37-2 JOINT**

) **STIPULATION ON PLAINTIFF'S**

) **MOTION TO COMPEL ANSWERS**

) **TO INTERROGATORIES; AND**

) **REQUEST FOR AN ORRDER**

) **WITH RECOMMENDATIONS OF**

) **\$2,950 IN MOENTARY**

) **SANCTIONS**

Hearing Date: July 6, 2009

Time: 2:00 p.m.

Courtroom: 590

Action Filed: 12/18/2008

Discovery Cutoff: 07/15/2009

Pretrial Conf: 09/14/2009

Trial Date: 10/06/2009

	<b><u>TABLE OF CONTENTS</u></b>	<b><u>Page</u></b>
1		
2	I. INTRODUCTORY STATEMENTS.....	4
3	A. Plaintiff’s Introductory Statement.....	4
4	B. Defendant’s Introductory Statement.....	5
5	II. ISSUES IN DISPUTE.....	6
6	A. Issues Plaintiff Contends are in Dispute.....	6
7	B. Issues Defendant Contends are in Dispute.....	6
8	III. CONTENTIONS ON DEFENDANT’S “PRELIMINARY	
9	STATEMENT” TO INTERROGATORY RESPONSES.....	6
10	A. Plaintiff’s Contentions on the “Preliminary Statement”.....	7
11	i. How Plaintiff Proposed to Resolve the Dispute.....	10
12	B. Defendant’s Contentions on the “Preliminary Statement”.....	10
13	IV. CONTENTIONS ON DEFENDANT’S “GENERAL OBJECTIONS”.....	10
14	A. Plaintiff’s Contentions on the “General Objections”.....	12
15	i. How Plaintiff Proposed to Resolve the Dispute.....	15
16	B. Defendant’s Contentions on the “General Objections”.....	15
17	V. CONTENTIONS ON DEFENDANT’S SPECIFIC INTERROGATORY	
18	RESPONSES AND OBJECTIONS.....	15
19	A. Interrogatory No. 2.....	16
20	i. Plaintiff’s Contentions on Interrogatory No. 2.....	16
21	a. How Plaintiff Proposed to Resolve the Dispute.....	18
22	ii. Defendant’s Contentions on Interrogatory No. 2.....	18
23	B. Interrogatory No. 8.....	18
24	i. Plaintiff’s Contentions on Interrogatory No. 8.....	18
25	a. How Plaintiff Proposed to Resolve the Dispute.....	20
26	ii. Defendant’s Contentions on Interrogatory No. 8.....	21
27	C. Interrogatory No. 9.....	21
28	i. Plaintiff’s Contentions on Interrogatory No. 9.....	21

1	a.	How Plaintiff Proposed to Resolve the Dispute.....	21
2	ii.	Defendant's Contentions on Interrogatory No. 9.....	22
3	D.	Interrogatory No. 10.....	22
4	i.	Plaintiff's Contentions on Interrogatory No. 10.....	22
5	a.	How Plaintiff Proposed to Resolve the Dispute.....	23
6	ii.	Defendant's Contentions on Interrogatory No. 10.....	23
7	IV.	CONTENTIONS ON A RECOMMENDATION OF SANCTIONS.....	24
8	A.	Plaintiff's Contentions on a Recommendation of Sanctions.....	24
9	i.	How Plaintiff Proposed to Resolve the Dispute.....	25
10	B.	Defendant's Contentions on a Recommendation of Sanctions.....	25
11	V.	CONCLUSIONS.....	26
12	i.	Plaintiff's Conclusion.....	26
13	ii.	Defendant's Conclusion.....	26
14		Declaration of Aaron G. Stites in Support.....	27

1 **INTRODUCTORY NOTE**

2 **Defense counsel has made no attempt to comply with L.R. 37-2.2, for**  
 3 **Defendant to provide its portion of this Joint Stipulation as required. In accord**  
 4 **with L.R. 37-2.4, the attached Declaration of Aaron Stites, Plaintiff's counsel,**  
 5 **attests to this failure.**

6 **Plaintiff urges this Court to hear and decide this motion. Discovery is**  
 7 **soon to end by order of Judge Marshall, and Defendant is obstructing**  
 8 **discovery. The defense has refused all deposition dates, and has answered**  
 9 **almost nothing. Defendant has refused to identify witnesses (so they can be**  
 10 **subpoenaed), has refused to identify documents and will not state their**  
 11 **contentions; defense counsel only delays and serves evasive answers filled with**  
 12 **improper objections.**

13 **If Plaintiff cannot get these discovery motions heard and decided, the**  
 14 **defense will have been successful in stopping all discovery through the tactic of**  
 15 **delay and evasions.**

16  
17  
18 **I. INTRODUCTORY STATEMENTS**

19 **A. Plaintiff's Introductory Statement**

20 Plaintiff Norma Davis, an elderly lady, was denied a room at a hotel owned by  
 21 Los Angeles Travelodge West Partnership, L.P. ("Defendant") because she is a  
 22 disabled African-American. In this race/disability discrimination case it is essential  
 23 to learn what defenses are being asserted. Unfortunately, Defendant is playing hide  
 24 the ball. As a tactic, defense counsel has completely obstructed discovery to prevent  
 25 Plaintiff from obtaining evidence and discovering the claims made by Defendant.  
 26 Defendant will only provide evasive and highly qualified responses to simple written  
 27 discovery. Defendant's main tactic is to obstruct written discovery with boilerplate  
 28 objections. Another tactic is to answer questions not asked. Worse still, Defendant

1 consistently refuses to state whether information is being withheld pursuant to  
2 boilerplate objections.

3       This motion involves only four (4) simple, but important, interrogatories (Ex.  
4 “1” attached). They only ask for Defendant’s contentions and the identification of  
5 certain important witnesses and documents. Defendant refused to respond to several  
6 questions, and when responses were given they were so qualified and narrowly  
7 restricted by boilerplate objections as to be meaningless. This motion is brought  
8 because Defendant refused to remove pages of boilerplate objections and answer  
9 several important questions (Responses, Ex. “2,” attached).

10       Plaintiff undertook a considerable effort to informally resolve these issues  
11 without court intervention. Plaintiff’s efforts were in vain. Plaintiff’s letters went  
12 unanswered, and after a long pre-filing telephonic conference defense counsel  
13 refused to withdraw a single objection and only agreed to provide a supplemental  
14 answer to one question (i.e., Interrogatory No. 6). Defense counsel further refused a  
15 reasonable attempt to compromise, by declining to simply state in each interrogatory  
16 response that no information was being withheld pursuant to boilerplate nuisance  
17 objections and qualifications. Thereafter, Plaintiff’s only choice was to abandon  
18 discovery or file this motion.

19       At the status conference on June 1, 2009, Honorable Judge Marshall set the  
20 trial in this case for October 3, 2009, and a discovery cut-off date just over one  
21 month away. It is time for Defendant’s evasive gamesmanship to end. As the  
22 boilerplate preliminary statement, nuisance objections, and evasive responses  
23 discussed herein show, the only way Defendant and its counsel will stop obstructing  
24 discovery is if they are held accountable and sanctioned for their conduct.

25       **B. Defendant’s Introductory Statement**

26       Nothing received from defense counsel.

27       ///

28       ///

1 **II. ISSUES IN DISPUTE**

2 During the meet and confer telephonic conference, Defendant would not agree  
3 on the issues in dispute. Hence, Defendant's version of disputed issues is listed  
4 immediately after Plaintiff's issues.

5 **A. Issues Plaintiff Contends are in Dispute**

6 The following issues are in dispute: (1) whether Defendant must remove its  
7 "Preliminary Statement" to Interrogatory responses; (2) whether Defendant must  
8 remove its "General Objections and Qualifications"; (3) whether Defendant must  
9 remove its specific objections to Interrogatories and provide non-evasive answers;  
10 and, (4) whether an order recommending monetary sanctions should be given to the  
11 district court judge for Defendant's evasive and incomplete discovery responses.

12 **B. Issues Defendant Contends are in Dispute**

13 Nothing received from defense counsel.  
14

15 **III. CONTENTIONS ON DEFENDANT'S "PRELIMINARY STATEMENT"**  
16 **TO INTERROGATORY RESPONSES**

17 Defendant's boilerplate "Preliminary Statement" makes it impossible to know  
18 if information is being withheld, and Defendant expressly states this "Preliminary  
19 Statement" is to be "incorporated" into all interrogatory responses. Accordingly,  
20 Plaintiff's contentions regarding this statement apply to all of Defendant's  
21 interrogatory responses (i.e., including those not mentioned herein, which would be  
22 acceptable if not for the obstructive preliminary statement and nuisance objections  
23 Defendant refused to remove). The text of Defendant's "Preliminary Statement" is  
24 given, verbatim, immediately below.

25 **Defendant's Preliminary Statement:** The following responses are based  
26 upon the facts, documents and/or information presently known and available to the  
27 Responding Party. The Responding Party has not completed its investigation of the  
28 facts relating to this case, discovery, or preparation for trial. As such, without

1 obligating itself to do so, the Responding Party reserves the right to change and/or  
 2 supplement these responses as additional facts are discovered, revealed, recalled or  
 3 otherwise ascertained, and as further analysis and research disclose additional facts,  
 4 contentions or legal theories. The responses are given without prejudice to  
 5 Responding Party's right to produce evidence of any subsequently discovered facts  
 6 and/or documents. The Responding Party will respond to each particular  
 7 Interrogatory in Plaintiffs First Set of Special Interrogatories as it understands and  
 8 interprets them. If the Propounding Party subsequently asserts an interpretation of an  
 9 interrogatory that differs from that of the Responding Party, the Responding Party  
 10 reserves the right to change and/or supplement its objections and/or responses. This  
 11 Preliminary Statement is incorporated by this reference into each and every response  
 12 below, as though set forth in full therein.

13       **A. Plaintiff's Contentions on the "Preliminary Statement"**

14       Defendant claims its "Preliminary Statement" is "incorporated . . . into each  
 15 and every response, as though set forth in full . . ." This is important because  
 16 Defendant is apparently using this "Preliminary Statement" as a reason for  
 17 withholding information and limiting the scope of interrogatory responses.

18       Defendant's "Preliminary Statement" contradicts the law on discovery, and  
 19 purports to give responding party far greater rights to limit answers than what is  
 20 permitted. The Preliminary Statement starts by limiting, "The following responses .  
 21 . . [to] information presently known and available to the Responding Party." This is  
 22 an improper limitation of the obligation to answer interrogatories. It is evasive to  
 23 claim information is limited just to what "is presently known and available to  
 24 [Defendant]." Interrogatory answers must furnish "such information as is available  
 25 to the party." F.R.Civ.P. 33(a). Moreover, as a corporate party, Defendant must  
 26 provide information from sources under its control; including its employees, officers  
 27 and directors. *Brunswick Corp. v. Suzuki Motor* (ED WI 1983) 96 FRD 684, 686.

28

1 Defendant's attempt to limit "information . . . to the Responding Party" is  
2 very significant here. Defendant is using this limitation to avoid giving information  
3 from its hotel employees/mangers. This type of gamesmanship is a deliberate  
4 attempt to ambush Plaintiff at trial. What Defendant wants is to spring new  
5 information on Plaintiff at trial from some employee, who did not provide any  
6 information in the answers to these interrogatories, because the "responses [were  
7 only] based upon the facts, documents and/or information presently known and  
8 available to the Responding Party." This should not be permitted.

9 Next, Defendant tries to limit the effect of its answers with the pre-packaged  
10 excuse that, "Responding Party has not completed . . . discovery, or preparation for  
11 trial. . . . [so] without obligating itself to do so, the Responding Party reserves the  
12 right to change . . . these responses." Since discovery and trial preparation are  
13 always ongoing during a case, until discovery is cut-off and trial begins, this is  
14 clearly an abusive nuisance objection. Defendant wants to use this statement to  
15 withhold information from interrogatory answers, based on the claim that it has not  
16 "completed discovery or preparation for trial."

17 Furthermore, if Defendant can "reserve the right to change responses" when it  
18 wishes, there is nothing to prevent Defendant from providing different responses at  
19 the discovery cut-off date, or on the eve of trial. Providing late supplemental  
20 responses would prevent Plaintiff from doing follow-up discovery and for all  
21 practical purposes subject Plaintiff to "trial by ambush." See *Royalty Petroleum Co.*  
22 *v. Arkla, Inc.* (WD OK 1990) 129 FRD 674, 678.

23 It is also improper to claim "without obligating itself to do so, [Defendant]  
24 reserves the right to change responses." Defendant is obligated to supplement or  
25 correct earlier interrogatory answers upon learning they are "in some material  
26 respect incomplete or incorrect." F.R.Civ.P. 26(e). Accordingly, this nuisance  
27 limitation should be stricken. Defendant cannot evade discovery with this canned  
28 excuse.



1 Next, Defendant claims, “The responses are given without prejudice to  
2 Responding Party’s right to produce evidence of any subsequently discovered facts  
3 and/or documents.” With this erroneous statement of law Defendant basically  
4 contends trial by ambush is acceptable. Defendant claims it can give limited  
5 answers now, “without prejudice to [Defendant’s] right to produce evidence” at  
6 some later date. This is of course nonsense. If the law permit Defendant to produce  
7 evidence “without prejudice” at some later date, there would be no point in having  
8 discovery cut-off dates.

9 If Defendant produces evidence of “subsequently discovered facts and/or  
10 documents” that contradict “given” responses, Plaintiff can certainly use this  
11 information to Defendant’s prejudice. “An answer to an interrogatory may be used  
12 to the extent allowed by the Federal Rules of Evidence.” F.R.Civ.P. 33(c). Pursuant  
13 to the Rules of Evidence discovery responses can be used at trial against the  
14 answering party. F.R. Evid. 801(d)(2)(A),(C) & (E). If Defendant does not want to  
15 be prejudiced by providing incomplete and evasive responses, it should answer  
16 discovery properly in the first instance.

17 Finally, Defendant states that because it is responding “to each particular  
18 Interrogatory . . . as it understands and interprets them. If [Plaintiff] subsequently  
19 asserts an interpretation of an interrogatory that differs from that of [Defendant],  
20 [Defendant] reserves the right to change and/or supplement its . . . responses.” Once  
21 again, this statement/objection is nonsense. An interrogatory answer must be  
22 complete in itself and not refer to extraneous evidence, like depositions or other  
23 interrogatories. See *Scaife v. Boenne* (ND IN 2000) 191 FRD 590, 594. Defendant  
24 cannot change responses just because “interpretations differ” on discovery Plaintiff  
25 “subsequently” conducts on the responses (e.g., depositions). If Defendant is  
26 permitted to change discovery responses based on questions Plaintiff asks at a  
27 deposition, then testimony about the responses will become meaningless. Plaintiff  
28 cannot question a witness at trial about deposition answers given to specific

1 discovery responses, if the underlying discovery responses have changed and no  
 2 longer exist (i.e., when a written discovery response changes, the basis for a  
 3 deponent's answer changes).

4 Defendant's "preliminary statement" is designed to permit evasive responses.  
 5 The statement amounts to canned excuses Defendant wants to use to explain away  
 6 incomplete and evasive answers at some later date. The statement attempts to avoid  
 7 legal ramifications for not answering discovery in good faith. The party opposing a  
 8 motion to compel must support each ground on which it refused discovery. See  
 9 *DIRECTV, Inc. v. Puccinelli* (D KS 2004) 224 FRD 677. It is up to Defendant to  
 10 justify each ground of objection stated in its "Preliminary Statement." Since it is  
 11 legally impossible to do so, Defendant's improper boilerplate "Preliminary  
 12 Statement" should be ordered stricken.

13 **i. How Plaintiff Proposed to Resolve this Dispute**

14 During the extensive meet and confer process, Plaintiff asked Defendant to  
 15 remove its "Preliminary Statement" because, amongst other things, Plaintiff had no  
 16 way of knowing whether information was being withheld pursuant to the objections  
 17 and qualifications. Defendant's counsel refused to remove the statement.  
 18 Thereafter, in an effort to compromise, Plaintiff asked Defendant to state in each  
 19 response that no information was being withheld pursuant to the "Preliminary  
 20 Statement." Again, Defendant refused; stating the "Preliminary Statement" was  
 21 proper, that it would not be removed, and that Defendant was not required to state  
 22 whether information was being withheld pursuant to the statement.

23 **B. Defendant's Contentions on the "Preliminary Statement"**

24 Nothing received from defense counsel.  
 25

26 **IV. CONTENTIONS ON DEFENDANT'S "GENERAL OBJECTIONS"**

27 The text of Defendant's general objections is given immediately below. Since  
 28 these boilerplate objections are expressly "incorporated" into each interrogatory

1 response, Plaintiff's contentions regarding these nuisance objections apply to all  
2 interrogatory answers given by Defendant (i.e., including those not specifically  
3 addressed herein, where the given responses would have been sufficient but for  
4 improper nuisance objections).

5       **Defendant's "General Objections and Qualifications:"** The following  
6 General Objections and Qualifications are in addition to, and are incorporated in,  
7 each of the Responses to the Special Interrogatories set forth herein below. The  
8 failure to mention any of the following objections, privileges, and/or qualifications  
9 in the specific Responses to the Special Interrogatories set forth below shall not be  
10 deemed a waiver of such objection, privilege, or qualification. The Responding Party  
11 objects to all individual Interrogatories to the extent they call for information  
12 protected by the attorney-client privilege, the attorney work product doctrine or any  
13 other applicable privilege or protection. To the extent that the Interrogatories call for  
14 information protected by the attorney-client privilege, the attorney work product  
15 doctrine or other applicable privilege or protection, the Responding Party hereby  
16 claims such privilege and invokes such protection. The fact that the Responding  
17 Party does not specifically object to an individual interrogatory on the ground that it  
18 seeks such privileged or protected information shall not be deemed a waiver of the  
19 protection afforded by the attorney-client privilege, the attorney work product  
20 doctrine or other applicable privilege or protection. The Responding Party objects to  
21 all of the individual Interrogatories to the extent that they seek the discovery of  
22 sensitive and confidential business, financial and/or proprietary information of  
23 Responding Party or any third party. The Responding Party objects to all of the  
24 individual Interrogatories to the extent they purport to impose upon Responding  
25 Party the burden of furnishing information that is not available to it or that is equally  
26 or more readily available to Propounding Party. The Responding Party objects to the  
27 Interrogatories as a whole, and in combination with the other written discovery  
28 requests served simultaneously on Responding Party, to the extent that they are

1 repetitive, overbroad, unduly burdensome and oppressive, and are intended to harass  
 2 and annoy. The Responding Party objects to each and every Interrogatory that is  
 3 vague, ambiguous and/or overbroad. Further, the Responding Party objects to each  
 4 and every Interrogatory which is compound, requires the Responding Party to  
 5 speculate or presents to Responding Party an incomplete hypothetical.

6 **A. Plaintiff's Contentions on the "General Objections"**

7 As if the "Preliminary Statement" was not enough, the defense decided more  
 8 boilerplate "General Objections and Qualifications" were needed. These nuisance  
 9 objections confuse Defendant's responses further and make them even more evasive.  
 10 Defendant's boilerplate "General Objections" effectively obfuscate its responses to  
 11 the point that nothing is really answered. Defense counsel's game is to make it  
 12 impossible to know if a question is being answered in full, or if information is being  
 13 withheld. The defense wants to provide answers so ambiguous they are useless.

14 Defendant begins by stating its, "General Objections and Qualifications are in  
 15 addition to, and are incorporated in, each of the Responses to the Special  
 16 Interrogatories . . . [and] The failure to mention any . . . objections, privileges,  
 17 and/or qualifications in the specific Responses . . . shall not be deemed a waiver . .  
 18 .." The federal rules expressly assert, however, that "The grounds for objecting to  
 19 an interrogatory must be *stated with specificity*. Any *ground not stated* in a timely  
 20 *objection is waived* . . . ." F.R.Civ.P. 33(b)(4). Since interrogatory objections need  
 21 to be "stated with specificity," or such "objection is waived," it is improper for  
 22 Defendant to claim its boilerplate "General Objections" apply to all responses, and  
 23 the failure to assert an objection "shall not be deemed a waiver." Since Defendant's  
 24 "General Objections and Qualifications" clearly violate the F.R.Civ.P., they are  
 25 improper and should be ordered stricken. False statements that contradict federal  
 26 law have no place in interrogatory answers.

27 Going even further, Defendant "objects to all individual Interrogatories to the  
 28 extent they call for information protected by the attorney-client privilege, the

1 attorney work product doctrine or any other applicable privilege,” and claims it  
 2 “shall not be deemed a waiver” if Defendant does not “specifically object to an  
 3 individual interrogatory. . . .” This objection constitutes improper gamesmanship.  
 4 The law is well settled, boilerplate objections like this are insufficient to assert a  
 5 privilege. See *Burlington Northern & Santa Fe Ry. Corp. v. United States Dist.*  
 6 *Court for Dist. of Montana* (9th Cir. 2005) 408 F.3d 1142, 1148. Moreover, when  
 7 information is withheld pursuant to a privilege (or work product protection), the  
 8 party must: (1) “***expressly make the claim***” of privilege in response to a specific  
 9 question; and, (2) “***describe*** the nature of the . . . ***things not produced or disclosed***  
 10 in a manner that . . . will enable other parties to assess the applicability of the  
 11 privilege or protection.” F.R.Civ.P. 26(b)(5)(A), emphasis added.

12 Next, Defendant generally “objects to all of the individual Interrogatories to  
 13 the extent that they seek the discovery of sensitive and confidential business,  
 14 financial and/or proprietary information of Responding Party or any third party.” It  
 15 is clearly abusive to assert boilerplate objections for unidentified persons or entities.  
 16 How is Plaintiff to know who or what “any third party” is? If Defendant wants to  
 17 assert a privilege objection, based on allegedly confidential information, it must  
 18 make a specific objection to a particular question and provide a privilege log. This  
 19 boilerplate objection prevents Plaintiff from challenging improperly asserted  
 20 privileges, and knowing what privilege is even being claimed. Hence, this is clearly  
 21 an abuse of discovery.

22 Defendant’s improper boilerplate objections continue by asserting, “The  
 23 Responding Party objects to all of the individual Interrogatories to the extent they  
 24 purport to impose upon Responding Party the burden of furnishing information that  
 25 is not available to it or that is equally or more readily available to Propounding  
 26 Party.” A party cannot refuse to respond to discovery by claiming information is in  
 27 the possession of, or more readily available to, the requesting party. See *Davidson v.*  
 28 *Goord* (WD N.Y. 2003) 215 FRD 73, 77; See also *DIRECTV, Inc. v. Puccinelli* (D

1 KS 2004) 224 FRD 677, 689. Furthermore, if Defendant objects that “furnishing  
2 information” is burdensome, then Defendant must “particularize” the basis for the  
3 objection (i.e., what is burdensome). *Nagele v. Electronic Data Systems Corp.* (WD  
4 NY 2000) 193 FRD 94, 109. Here, Defendant does not state which interrogatories  
5 are burdensome, let alone particularize a basis for the objection.

6 Defendant then “objects to the Interrogatories as a whole, and in combination  
7 with the other written discovery requests served simultaneously on Responding  
8 Party, to the extent that they are repetitive, overbroad, unduly burdensome and  
9 oppressive, and are intended to harass and annoy.” This boilerplate objection is  
10 improper for several reasons. First, interrogatory objections must explain how a  
11 question is overbroad, unduly burdensome, etc. See, *Mitchell v. National R.R.*  
12 *Passenger Corp.* (D. DC 2002) 208 FRD 455, 458, fn. 4; See also, *St. Paul*  
13 *Reinsurance Co., Ltd. v. Commercial Fin'l Corp.*, (N.D. IA 2001) 198 FRD 508,  
14 512. Second, “The grounds for objecting to an interrogatory must be stated with  
15 specificity.” F.R.Civ.P. 33(b)(4). Therefore, Defendant cannot “object to the  
16 Interrogatories as a whole.” Finally, interrogatory responses should not refer to other  
17 documents, discovery, etc.; a response should be complete in itself. See *Scaife v.*  
18 *Boenne, supra*, 191 FRD at 594. Hence, it is improper for Defendant to object “in  
19 combination with the other written discovery requests.”

20 Defendant’s boilerplate nuisance objections conclude by stating, “Responding  
21 Party objects to each and every Interrogatory that is vague, ambiguous and/or  
22 overbroad. Further, the Responding Party objects to each and every Interrogatory  
23 which is compound, requires the Responding Party to speculate or presents to  
24 Responding Party an incomplete hypothetical.” This string of nuisance objections is  
25 improper. Again, Defendant is required to make specific objections (F.R.Civ.P.  
26 33(b)(4)) and the *Mitchell* and *St. Paul Reinsurance Co.* cases, *supra*, make it clear  
27 Defendant must explain what is “vague, ambiguous and/or overbroad.” Moreover,  
28 Defendant is required to use reason and common sense before claiming an



1 interrogatory is ambiguous, and if needed Defendant can include a reasonable  
 2 definition of supposedly vague terms or phrases to clarify its answers. *Pulsecard,*  
 3 *Inc. v. Discover Card Services, Inc.* (D. KS 1996) 168 FRD 295, 310.

4 Asserting every objection imaginable, and claiming the boilerplate objections  
 5 apply to all questions, is an abuse of discovery. All of this was carefully planned.  
 6 Defendant's boilerplate objections are designed to evade discovery, by withholding  
 7 information. Proof of this is shown by the fact that Defendant refused to include a  
 8 sentence in each response stating nothing was withheld pursuant to the objections.  
 9 Defendant's gamesmanship is inexcusable.

10 **i. How Plaintiff Proposed to Resolve the Dispute**

11 During the meet and confer process Plaintiff tried to get defense counsel to  
 12 withdraw its general objections and qualifications. Defendant refused. Plaintiff then  
 13 tried to get defense counsel to withdraw the most outrageous general objections.  
 14 Again, defense counsel completely refused. Finally, in an effort to compromise,  
 15 Plaintiff requested that Defendant simply confirm in each response that it was not  
 16 withholding information pursuant to the boilerplate objections. Defense counsel  
 17 even refused this very reasonable request; stating the objections were proper and if  
 18 Plaintiff's counsel wanted them removed he would have to compel the removal.  
 19 Accordingly, Plaintiff respectfully requests that Defendant be ordered to remove its  
 20 "General Objections and Qualifications."

21 **B. Defendant's Contentions on the "General Objections"**

22 Nothing received from defense counsel.  
 23

24 **V. CONTENTIONS ON DEFENDANT'S SPECIFIC INTERROGATORY**  
 25 **RESPONSES AND OBJECTIONS**

26 As explained above, since Defendant's boilerplate preliminary statement and  
 27 general objections are expressly "incorporated" into each interrogatory response, and  
 28 the statement/objections make it impossible to know whether information is being

1 withheld, Defendant should be ordered to provided supplemental responses to all  
2 interrogatories devoid of the abusive statement/objections (i.e., including those not  
3 discussed immediately below, which would be acceptable if not for the objections).  
4 Listed below are the specific interrogatory responses Plaintiff takes issue with. Each  
5 interrogatory is followed, verbatim, by Defendant's specific objections and response  
6 (if any), then Plaintiff's and Defendant's contentions.

7 **A. INTERROGATORY NO. 2**

8 IDENTIFY the women who worked at the front desk of YOUR Travelodge  
9 motel on August 16, 2008 between the hours of 5:00 p.m. and 7:00 p.m.

10 **Defendant's Specific Objections and Response:** Responding Party objects  
11 to the extent that this Interrogatory seeks information which is confidential and/or  
12 proprietary in nature. Responding Party objects to the extent that the request seeks  
13 private information protected from disclosure. Responding Party objects to this  
14 interrogatory to the extent that it seeks proprietary or other confidential information  
15 and private information that is protected from disclosure by the privacy rights  
16 afforded to Responding Party and third party. Without waiving the foregoing  
17 objections, Responding Party responds as follows: Raquel Dela Rosa. Ms. Dela  
18 Rosa can be contacted through counsel of record for Responding Party.

19 **i. Plaintiff's Contentions on Interrogatory No. 2**

20 Plaintiff takes issue with Interrogatory No. 2 because Defendant is  
21 withholding witness contact information, and Plaintiff is not required to accept  
22 defense counsel's claim the witness can be contacted through their office.  
23 Interrogatory No. 2 simply asked for the contact information of the hotel employee  
24 who refused Plaintiff a room. This information is unquestionably relevant and  
25 crucially important; indeed virtually nothing is more important in discovery than  
26 identifying witnesses and obtaining their contact information. Further, simply  
27 stating a witness can be "contacted" through defense counsel does not mean the  
28



1 witness authorized Defendant or its counsel to accept service on the witness's  
2 behalf. Contact information is, therefore, essential.

3 Plaintiff's interrogatory definitions specifically state, "'IDENTIFY' a person,  
4 means to state the name, residence address, business address, phone numbers, [and]  
5 employer along with the employer's address." It is clearly a nuisance objection to  
6 claim this interrogatory seeks "private information" that is "confidential and/or  
7 proprietary in nature." This interrogatory does not ask about any "privacy" issues  
8 recognized under federal law. Plaintiff is not asking about trade secrets, sensitive  
9 documents, or anything else "proprietary in nature." Nor is Plaintiff asking for  
10 confidential financial information, or about the witness's medical condition, sexual  
11 orientation, etc. This question only seeks a crucial witness's contact information.

12 Defendant's idea that the witness may be "contacted through counsel" is  
13 evasive and insufficient. "Contact" through defense counsel does not provide a way  
14 of serving process. Defense counsel does not have authorization to accept service of  
15 process (i.e. a trial subpoena or a summons) and, even if this was done, there is  
16 nothing to stop the witness from revoking such authority. Plaintiff has a right to be  
17 able to subpoena a witness. Moreover, since "Ms. Dela Rosa" is not a party in this  
18 case, this Court does not have jurisdiction over her. Therefore, it is crucial to have  
19 contact information so Plaintiff can assure the Court obtains jurisdiction over the  
20 witness (via a subpoena) should it be necessary. Defense counsel is improperly  
21 trying to hamper this ability, which is unacceptable.

22 The federal rules are clear. The party answering interrogatories must furnish  
23 "such information as is available to the party." F.R.Civ.P. 33(a). Defendant  
24 undoubtedly has contact information for this important witness. Defendant's  
25 response is therefore evasive because it does not provide any contact information.  
26 According to F.R.Civ.P. 37(a)(4), "an *evasive . . . response must be treated* as a  
27 failure to . . . respond." Defendant's failure to provide contact information is the  
28 same as a failure to respond.

1           **a.     How Plaintiff Proposed to Resolve the Dispute**

2           Plaintiff requested that Defendant remove its improper objections and provide  
3 the witness's contact information. Defendant refused, claiming its objections were  
4 appropriate and the response was sufficient because "Ms. Dela Rosa can be  
5 contacted through counsel for Responding Party." In an attempt to compromise,  
6 Plaintiff asked Defendant to simply state in the response that Ms. Dela Rosa  
7 authorized Defendant and its counsel to accept service of process for her. Again,  
8 defense counsel refused, leaving Plaintiff no choice but to move to compel contact  
9 information.

10           **ii.     Defendant's Contentions on Interrogatory No. 2**

11           Nothing received from defense counsel.

12           **B.     INTERROGATORY NO. 8**

13           In this litigation, are YOU making any contention that Norma Davis has acted  
14 improperly in any matter?

15           **Defendant's Specific Objections and Response:** Responding Party objects  
16 on the grounds that the interrogatory seeks information protected by the attorney-  
17 client privilege or attorney work product doctrine. Responding Party objects to this  
18 interrogatory on the ground that it is propounded for the purpose of harassing  
19 Responding Party. Without waiving the foregoing objections, Responding Party  
20 responds as follows: Unknown at this time. Discovery has just commenced, and  
21 Responding Party reserves its right to supplement this response.

22           **i.     Plaintiff's Contentions on Interrogatory No. 8**

23           This is an excellent example of Defendant's obstructive tactics in discovery.  
24 There is no justification for refusing to respond to this interrogatory, which simply  
25 requires Defendant to answer "yes" or "no" it contends Plaintiff acted improperly.  
26 The defense certainly has sufficient information to know whether it is making such a  
27 contention. The response to this interrogatory shows Defendant is withholding  
28 information pursuant to boilerplate objections.

1 Defendant has objected to revealing its contentions based on boilerplate work  
2 product and attorney client privilege objections. Asserting attorney client privilege  
3 is nonsense. This interrogatory simply asked Defendant to state, yes or no, if it  
4 contends Plaintiff acted improperly. The interrogatory does not ask for  
5 communications between Defendant and its attorneys.

6 Defendant cannot conceal its contentions in discovery by simply giving  
7 information to its attorneys. *Brunswick Corp. v. Suzuki Motor* (ED WI 1983) 96  
8 FRD 684, 686. If Defendant's attorney-client privilege objection was valid there  
9 would be no point in conducting discovery; all a party would have to do is tell its  
10 attorney all the facts in a case then refuse to answer discovery based on privilege  
11 objections. Fortunately, this is not how discovery works. The attorney-client  
12 privilege has a "limited purpose of encouraging full and frank disclosure by the  
13 client to his or her attorney." *Clarke v. American Commerce Nat'l. Bank* (9<sup>th</sup> Cir.  
14 1992) 974 F.2d 127, 129. It is abusive to refuse to state simple contentions based on  
15 the attorney-client privilege.

16 Work product privilege is also not a valid objection to an interrogatory that  
17 merely seeks to determine whether a contention is being made. If information is  
18 known to persons over whom Defendant has control (i.e., employees like "Ms. Dela  
19 Rosa"), Defendant has a duty to obtain such information and provide it. *Continental*  
20 *Bank v. Caton* (1991) 136 FRD 682, 686. Further, information known by employees  
21 is subject to discovery and not protected as work product. *General Dynamics Corp.*  
22 *v. Seib Mfg. Co.* (8<sup>th</sup> Cir. 1973) 481 F.2d 1204, 1210. Defendant has certainly  
23 obtained sufficient information from its hotel front desk managers/employees to  
24 enable it to provide an answer to this question, but rather than provide a response,  
25 defense counsel asserts pages of boilerplate objections and absolutely refuses to  
26 answer anything under phony claims of privilege. Defendant's objections to this  
27 interrogatory are pure evasive gamesmanship.

1 The claim that this interrogatory was “propounded for the purpose of  
2 harassing” Defendant is ridiculous. Attempting to discover whether a party is  
3 making certain contentions is clearly not harassing. This interrogatory is a simple  
4 question. If the defense is not contending Plaintiff acted improperly, it should  
5 provide an answer and state such. Defendant, however, claims it is unable to  
6 respond because, “Discovery has just commenced.” This response is evasive and  
7 blatantly false. This case has been pending for six months, more than sufficient time  
8 for Defendant to answer such a simple question.

9 It is clear the defense is trying to withhold information, and refuse to state its  
10 contentions, so that it can spring information on Plaintiff at trial. Plaintiff needs  
11 assistance from the court to prevent a trial by ambush. Defendant should be ordered  
12 to give a full and complete answer, and sanctions should be recommended to  
13 discourage Defendant and its counsel’s continued discovery abuses.

14 **a. How Plaintiff Proposed to Resolve the Dispute**

15 During the Meet & Confer process Plaintiff went through the boilerplate  
16 objections, discussed immediately above, by explaining why they were improper  
17 and needed to be removed. For example, Plaintiff asked Defendant to either remove  
18 its privilege/work product objections, or provide a privilege log (i.e., give a basic  
19 description of supposedly protected documents/conversations, who conversations  
20 were with or where the documents were from, etc.) so that Plaintiff could challenge  
21 improperly asserted privilege objections. It did no good. Defense counsel insisted  
22 all the objections were proper and refused to provide a simple yes or no response.

23 Plaintiff then attempted to resolve this dispute by proposing Defendant simply  
24 state in the response that no information was being withheld pursuant to objections,  
25 and that it had spoken with its employees/managers about whether Plaintiff acted  
26 improperly at the hotel, but was unable to answer the question. This reasonable  
27 proposal was also refused. Defense counsel stated no objections would be removed,  
28 no privilege log would be provided, and no supplemental response would be given.

1 Since Defendant failed “to provide information” regarding whether its contention  
 2 was that Plaintiff acted improperly, Defendant should no longer be “allowed to use  
 3 that information . . . at a trial.” F.R.Civ.P, 37(c)(1).

4 **ii. Defendant’s Contentions on Interrogatory No. 8**

5 Nothing received from defense counsel.

6 **C. INTERROGATORY NO. 9**

7 If so, state the facts upon which YOU base such a contention, including  
 8 setting forth YOUR evidence in support.

9 **Defendant’s Specific Objections and Response:** Responding Party objects  
 10 on the grounds that the interrogatory seeks information protected by the attorney-  
 11 client privilege or attorney work product doctrine. Responding Party objects to this  
 12 interrogatory on the ground that it is propounded for the purpose of harassing  
 13 Responding Party. Without waiving the foregoing objections, Responding Party  
 14 responds as follows: Unknown at this time. Discovery has just commenced, and  
 15 Responding Party reserves its right to supplement this response.

16 **A. Plaintiff’s Contentions on Interrogatory No. 9**

17 This interrogatory is merely a follow up to No. 8, above. It simply asks what  
 18 facts Defendant might have to support the contention that Plaintiff acted improperly.  
 19 Defendant’s response to this simple interrogatory is just a cut and paste job; word for  
 20 word the objections and response is identical to No. 8. Accordingly, the same  
 21 analysis applied to Interrogatory No. 8, applies equally here.

22 It should be noted that abusive tactics like the ones Defendant is employing,  
 23 are a terrible waste of judicial resources and make simple discovery arduous and  
 24 expensive. Defendant’s repeated efforts to obstruct discovery is driving up the costs  
 25 and fees in this case dramatically.

26 **a. How Plaintiff Proposed to Resolve the Dispute**

27 Plaintiff attempted to resolve this dispute in the same fashion as Interrogatory  
 28 No. 8, above. Defense counsel refused to confer in good faith; stating that all of the

1 objections were valid, none would be withdrawn and that asking for contentions was  
2 equivalent to demanding work product that would never be given. It was impossible  
3 to work out even the slightest agreement.

4 **ii. Defendant's Contentions on Interrogatory No. 9**

5 Nothing received from defense counsel.

6 **D. INTERROGATORY NO. 10**

7 If YOU contend that Norma Davis has committed fraud with regard to any  
8 matter, fully state the evidence supporting this contention.

9 **Defendant's Specific Objections and Response:** Responding Party objects  
10 on the grounds that the interrogatory seeks information protected by the attorney-  
11 client privilege or attorney work product doctrine. Responding Party objects to this  
12 interrogatory on the ground that it is propounded for the purpose of harassing  
13 Responding Party. Without waiving the foregoing objections, Responding Party  
14 responds as follows: Unknown at this time. Discovery has just commenced, and  
15 Responding Party reserves its right to supplement this response.

16 **i. Plaintiff's Contentions on Interrogatory No. 10**

17 This interrogatory is similar to No. 8, above, but it differs in that it asked  
18 whether Defendant contends Plaintiff committed any type of fraud in this case. At  
19 the inception of this case defense counsel sent an e-mail demanding Plaintiff dismiss  
20 her case, or Defendant would bankrupt Plaintiff and her counsel with the costs and  
21 fees incurred in defending this case. Defense counsel attached several internet  
22 articles to this e-mail, wherein the defense claimed to have prevailed in some trivial  
23 cases by accusing the plaintiffs in those unrelated cases of being frauds. The intent  
24 of Interrogatory No. 10 is to flush out whether the defense plans on making a  
25 meritless fraud contention in this case.

26 It should be noted that although this is a different question, which relates  
27 specifically to fraud, Defendant's response and objections to this question are once  
28 again word for word identical to the responses to Interrogatories Nos. 8 and 9 above.

1 These repetitive boilerplate objections and responses are a clear example of abusive  
2 discovery tactics, precisely what is condemned by the Federal Rules of Civil  
3 Procedure and Federal Rules Decisions.

4 According to F.R.Civ.P, 37(c)(1), “If a party fails to provide information . . .  
5 the party is not allowed to use that information . . . at a trial, unless the failure was  
6 substantially justified or is harmless.” Here, there can be little doubt Defendant’s  
7 refusal to state its own contentions were not substantially justified (i.e., the defense  
8 does not need information from plaintiff to state its own contentions). Further,  
9 Defendant’s failure to provide information and state its contentions is not harmless;  
10 it has caused Plaintiff serious harm.

11 Plaintiff propounded this written discovery over two months ago, if Defendant  
12 had simply answered these questions Plaintiff would have been able to conduct  
13 further discovery on Defendant’s contentions. The discovery cut-off date in this  
14 case is just over one month away. Plaintiff does not have time to do follow up  
15 written discovery on Defendant’s contentions. Since Defendant absolutely refused to  
16 provide information about whether it was contending Plaintiff acted fraudulently,  
17 Defendant should not now be permitted to use any such information or assert fraud  
18 at trial. This is only fair.

19 **a. How Plaintiff Proposed to Resolve the Dispute**

20 Once again Plaintiff tried to resolve this dispute in the same fashion as the  
21 disputes discussed above. Plaintiff explained how every objection was improper,  
22 and why it was important to know if the defense was contending Plaintiff acted  
23 fraudulently. Defense counsel stated all objections were proper, none would be  
24 withdrawn, and whether the defense was claiming fraud required the disclosure of  
25 work product and attorney-client privileged communications.

26 **ii. Defendant’s Contentions on Interrogatory No. 10**

27 Nothing received from defense counsel.  
28



1 **VI. CONTENTIONS ON A RECOMMENDATION OF SANCTIONS**

2 **A. Plaintiff's Contentions on a Recommendation of Sanctions**

3 According to 28 U.S.C. § 636(b), "a judge may designate a magistrate judge  
4 to hear and determine any pretrial matter pending before the court . . . A judge of the  
5 court may [then] accept, reject, or modify, in whole or in part, the findings or  
6 recommendations made by the magistrate judge." In this case, the judge designated a  
7 magistrate judge "to hear and determine" discovery disputes pending before the  
8 court. Plaintiff therefore respectfully requests an order giving monetary sanction  
9 recommendations for Defendant's evasive responses to interrogatories.

10 F.R.Civ.P. 37(a)(4) states, "For purposes of this subdivision (a), an evasive or  
11 incomplete disclosure, answer, or response must be treated as a failure to disclose,  
12 answer, or respond." Here, the boilerplate objections and interrogatory responses  
13 are designed to be both evasive and incomplete. For example, it was clearly evasive  
14 for Defendant to refuse to provide a "yes" or "no" answer to Interrogatory No.7 (i.e.,  
15 if Defendant was "making any contention" Plaintiff acted improperly), and  
16 Defendant intentionally gave an incomplete answer by refusing to provide contact  
17 information for "Ms. Dela Rosa," in response to Interrogatory No. 2. As such,  
18 Defendant's evasive and incomplete interrogatory answers must be treated as a  
19 failure to answer.

20 "A party seeking discovery may move for an order compelling an answer . . .  
21 This motion may be made if: a party fails to answer an interrogatory . . ." F.R.Civ.P.  
22 37(a)(3)(B)(iii). According to F.R.Civ.P. 37(a)(5), "If the motion is granted . . . the  
23 court must . . . require the party . . . whose conduct necessitated the motion . . . or  
24 attorney advising that conduct, or both to pay the movant's reasonable . . . attorney's  
25 fees. [Unless] (i) the movant filed the motion before attempting in good faith to  
26 obtain . . . discovery without court action; (ii) the opposing party's . . . response, or  
27 objection was substantially justified; or (iii) other circumstances make an award of  
28 expenses unjust." Here, Plaintiff repeatedly tried in good faith to convince



1 Defendant that it's interrogatory answers were evasive and incomplete, first by  
2 sending a letter and then by conducting a telephonic conference. When Defendant  
3 refused to confer in good faith, Plaintiff even tried to compromise by asking  
4 Defendant to simply state that no information was being withheld pursuant to its  
5 improper boilerplate objections. Plaintiff clearly attempted to obtain interrogatory  
6 answers "without court action," and there can be no doubt Defendant's evasive and  
7 incomplete boilerplate answers are not "substantially justified."

8        Since defense counsel's refusal to remove improper objections and provide  
9 non-evasive/complete interrogatory answers is completely unjustified, sanctions  
10 should be recommended. As the attached Declaration of Plaintiff's counsel attests,  
11 over fifteen (15) hours has been spent attempting to resolve this dispute, and drafting  
12 this motion to compel. An additional five (5) or more hours will also be spent  
13 preparing a reply and attending the hearing of this matter. In order to be  
14 "reasonable" pursuant to the Federal Rules, Plaintiff is only requesting a  
15 recommendation of attorney's fees for 10 hours of his time. Since Plaintiff's counsel  
16 bills at a rate of \$295/hr., it is therefore respectfully requested that an order be  
17 provided to the judge recommending Defendant and its counsel pay fees and  
18 expenses of \$2,950.00 for cost and fees incurred in this motion.

19        **i. How Plaintiff Proposed to Resolve the Dispute**

20        Plaintiff told Defendant that if all the boilerplate objections were removed and  
21 complete/non-evasive answers were provided, a motion to compel responses and  
22 attorney's fees would not be necessary. Defense counsel was also informed that if a  
23 motion to compel was required, reasonable attorney fees would be sought. It did no  
24 good, defense counsel refused to compromise.

25        **B. Defendant's Contentions on a Recommendation of Sanctions**

26        Nothing received from defense counsel.

27        ///

28        ///

1 **V. CONCLUSIONS**

2 **A. Plaintiff's Conclusion**

3 To date, Plaintiff has been unable to get Defendant to cooperate with any form  
4 of discovery. Defendant has taken the position Plaintiff can do nothing. It is  
5 regretful that assistance from this court is necessary to obtain simple discovery, but  
6 Defendant and its counsel have consistently shown without court interventions  
7 nothing will be provided to Plaintiff.

8 **B. Defendant's Conclusion**

9  
10 **Signature of Plaintiff's counsel:**

11 Dated: June 10, 2009

**STITES LAW FIRM**

12  
13 By: /s/ Aaron G. Stites  
14 Aaron G. Stites  
Attorney for Plaintiff

15 **Signature of Defendant's counsel:**

16  
17 Dated:

18 **DEFENSE COUNSEL DID NOT RETURN WITH SIGNATURE**

**DECLARATION OF AARON STITES**

I, Aaron Stites, declare as follows:

1. I am an attorney at law duly licensed to practice before this Court and all courts of the State of California, and am the attorney of record herein for Plaintiff Norma Davis. The facts set forth herein are true of my own personal knowledge, and if called as a witness I could and would competently testify to what is stated.

2. During the meet and confer process I attempted to resolve this dispute via a letter and long personal telephone conferences. The pre-filing conferences were done by telephone because the attorney's offices are in different counties (about 100 miles apart). Lengthy pre-filing conferences on this motion to compel answers to interrogatories were conducted on May 6, 2009 with opposing attorney Scott Ferrell and on May 22, 2009 with opposing attorney Mr. Renfro. The pre-filing conference with Mr. Ferrell on May 22<sup>nd</sup> took well over one hour, and during this pre-filing conference I explained in detail why Defendant's boilerplate objections and limitations violated the Rule of Civil Procedure. I asked defense counsel to remove, some but not all of the improper boilerplate objections/preliminary statement and provide non-evasive interrogatory answers pursuant to the Federal Rules of Civil Procedure. Defense counsel listened but refused all agreements. Not one single objections would be removed, and nothing would be removed in the long boilerplate preliminary objections and limitations. Defense counsel cut off all discussion about the merits of Plaintiff's contention by refusing to explain why all of the boilerplate objections were appropriate or defensible. Defense counsel only made one trivial agreement, to provide one supplemental response (i.e., to Interrogatory No. 6). When Defendant refused to compromise I tried to avoid this motion by asking defense counsel to simply state in each response that no information was being withheld and answer the simple contention interrogatories that were propounded. After defense counsel refused this very reasonable offer I was left with no choice but to seek assistance from the court.

1           3.       It appears the only way to get any answers to discovery is by this  
2 motion and by sanctions to be imposed. I therefore respectfully request an order  
3 recommending monetary sanctions. I have spent over fifteen (15) hours trying to  
4 resolve this dispute, and then preparing this joint stipulation (e.g., conducting legal  
5 research, conferring with my client, law clerk and co-counsel, etc.). I will probably  
6 spend more than five (5) hours studying Defendant's papers, preparing a response  
7 brief and for oral argument, and traveling to court on this dispute. If Defendant and  
8 its counsel were ordered to pay for all of my time, well in excess of twenty (20)  
9 hours, they might finally get the message that discovery is not a game and evasive  
10 tactics are not acceptable. However, to be reasonable in accordance with the federal  
11 rules, I am only requesting sanctions for ten (10) hours of my time. My normal  
12 billing rate is \$295.00 in this case. I therefore respectfully request an order  
13 recommending Defendant and its counsel pay \$2,950.00 in attorney's fees for  
14 forcing this motion to compel Defendant to remove evasive boilerplate objections,  
15 and provide complete non-evasive responses to simply interrogatories.

16           4.       In supplement to this motion and in accord with the requirements of  
17 L.R. 37-2.4 to state Defendant's failure to provide opposing party's portion of the  
18 joint stipulation, Plaintiff states the following occurred. Following L.R. 37-2.2,  
19 Plaintiff's counsel served electronically this Separate Statement on defense counsel  
20 on June 2, 2009. According to L.R. 37-2.2, defense counsel had five (5) court days  
21 (until June 9, 2009) to personally deliver, e-mail or fax to Plaintiff's counsel  
22 Defendant's portion of the stipulation. To the present time (noon of June 10<sup>th</sup>),  
23 when this declaration is prepared, there has been nothing from defense counsel on  
24 this joint stipulation or the dispute on these interrogatories.

25           5.       Plaintiff's counsel would like to emphasize that there has been a nearly  
26 complete failure of Defendant to answer discovery. They have cancelled all  
27 depositions notices Plaintiff sent, and refused to agree to any new dates, they have  
28

3           6.       The efforts to meet and confer have been absolutely worthless. The  
4 only thing defense counsel will do is refuse to remove improper objections and  
5 answer discovery, since they expect that any discovery motion will be rejected.

6           7.     Plaintiff respectfully urges this motion to be heard. If this motion is  
7 again rejected, the reward will go to Defendant's tactic of refusing to answer  
8 discovery. That should not happen.

9           8.       Attached hereto as Exhibit “1” is a true and correct copy of Plaintiff’s  
10 First Set of Special Interrogatories to Defendant Los Angeles Travelodge West  
11 Partnership, L.P.

9. Attached hereto as Exhibit “2” is a true and correct copy of Defendant Los Angeles Travelodge West Partnership, L.P.’s Responses to Plaintiff’s First Set of Special Interrogatories.

15  
16 I declare under penalty of perjury, under the laws of the United States, that  
17 the foregoing is true and correct.

18  
19 Dated: June 10, 2009

/s/ Aaron G. Stites  
 Aaron G. Stites  
 Declarant and Attorney for Plaintiff

1 Aaron G. Stites (SBN: 255994)  
agstites@stitesfirm.com  
2 STITES LAW FIRM  
4215 Tierra Rejada Road, #197  
3 Moorpark, CA 93021  
4 Tel: (310) 743-6438

5 Attorneys for Plaintiff  
6 JANE DOE

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**  
10

11  
12 JANE DOE, ) Case No. CV08-8279 CBM (CTx)  
13 )  
Plaintiff, ) **SPECIAL INTERROGATORIES**  
14 ) **PROPOUNDED BY PLAINTIFF TO**  
v. ) **DEFENDANT LOS ANGELES**  
15 ) **TRAVELODGE WEST PARTNERSHIP,**  
16 LOS ANGELES WEST TRAVELODGE; ) **L.P.**  
and DOES 1 through 10, )  
17 )  
Defendants. ) Complaint Filed: 12/18/2008  
18 ) Trial Date: None Set  
19

20  
21 PROPOUNDING PARTY: Plaintiff Jane Doe

22 RESPONDING PARTY: Defendant Los Angeles Travelodge West Partnership, L.P.

23 SET NUMBER: One  
24

25 TO: DEFENDANT LOS ANGELES TRAVELODGE WEST PARTNERSHIP, L.P.  
26 AND THEIR ATTORNEYS OF RECORD:

27 Plaintiff, JANE DOE, hereby requests that Defendant, LOS ANGELES  
28 TRAVELODGE PARTNERSHIP WEST, L.P., and their attorneys of record, answer the

1 following Special Interrogatories, Set One, under oath, within thirty (30) days from the  
2 date of service, pursuant to Federal Rules of Civil Procedure, Rule 33.

3 **DEFINITIONS**

4 Unless the context clearly indicates otherwise, the following words and phrases are  
5 defined and used herein as follows:

6 A. "YOU" and "YOURS" refers to Defendant, LOS ANGELES  
7 TRAVELODGE PARTNERSHIP WEST, L.P.

8 B. "PLAINTIFF" refers to JANE DOE whose name is Norma Davis.

9 C. "INCIDENT" includes the circumstances and events surrounding the Norma  
10 Davis being at Defendants' Travelodge motel on August 16, 2008, at approximately 6:30  
11 p.m.

12 D. "COMMUNICATION" means, unless otherwise specified, any of the  
13 following:

14 (1) any letter, memorandum or other document exchanged, received, or  
15 transmitted;

16 (2) any oral conversation between two or more persons, whether such  
17 conversation was by chance or pre-arranged, formal or informal, by telephone or in person;

18 (3) any meeting between two or more persons, whether such contact was  
19 by chance or pre-arranged, formal or informal, or

20 (4) any documentation summarizing or describing such document,  
21 exchange, oral communication or meeting.

22 E. "DOCUMENT" means all written, typewritten, printed, recorded or graphic  
23 matters, however produced or reproduced, whether draft or final, whether signed or  
24 unsigned. This definition includes any and all of the following: papers; records; notes;  
25 summaries; schedules; press releases; reports; memoranda of telephone or in-person  
26 conversation by or which any person; letters; telegrams; telexes; tapes; transcripts;  
27 recordings; photographs; pictures; films; computer programs; data printouts; discs; any  
28 kind of electronically or mechanically recorded materials; or any other graphic; symbolic;



1 recorded or written materials of any nature whatsoever. Any copy of a document that  
 2 contains any comments, notations, addition, insertion, or marketing of any kind is to be  
 3 considered a separate document.

4 F. "EVIDENCE" means and refers to testimony, material objects, or other  
 5 things presented to the senses that may be offered to prove the existence or nonexistence of  
 6 a fact, and all writings, and other things included in the original and any copy of any  
 7 written, recorded, filmed or graphic matter, whether produced or reproduced on papers,  
 8 cards, tapes, film, electronic facsimile, computer storage devices or any other media,  
 9 including, but not limited to writings (as defined by Federal Rules of Evidence § 1001),  
 10 memoranda, notes, minutes, records, photographs, movies, video-tapes, audio recordings,  
 11 correspondence, telegrams, telexes, diaries, bookkeeping entries, financial statements, tax  
 12 returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks,  
 13 handwritten notes, plans, architectural drawings, applications, proposals, agreements,  
 14 books, pamphlets, articles, leaflets, appointment calendars, work papers, and notes, records  
 15 and recordings of oral conversations.

16 G. "PERSON" means and refers to any natural person, individual, corporation,  
 17 partnership, proprietorship, joint venture, governmental entity, and any other public or  
 18 private entity.

19 F. "IDENTIFY" a document means to describe it with sufficient detail that it  
 20 may be specified in a subpoena or notice to produce, including the date, addressor,  
 21 addressee, persons copied, and general description of subject matter. If the document is  
 22 claimed to be privileged, state the basic foundational facts, listed above.

23 E. "IDENTIFY" a person, means to state the name, residence address, business  
 24 address, phone numbers, employer along with the employer's address.

25

## 26 **SPECIAL INTERROGATORIES**

27 1. Have you ever been named as a defendant in any suit alleging violation of the  
 28 Americans with Disabilities Act of 1990?



1           2.     IDENTIFY the women who worked at the front desk of YOUR Travelodge  
2 motel on August 16, 2008 between the hours of 5 p.m. and 7 p.m.

3           3.     State the relationship of Mark Beccaria to YOUR Travelodge motel.

4           4.     IDENTIFY any license/franchise agreement with Travelodge.

5           5.     State the requirements, if any, that YOUR franchisor/licensor has set for  
6 YOUR Travelodge motel relating to disabled persons.

7           6.     IDENTIFY any complaints by disabled persons related to accommodations at  
8 YOUR Travelodge motel.

9           7.     IDENTIFY any complaints relating to a service dog at YOUR Travelodge.

10          8.     In this litigation, are YOU making any contention that Norma Davis has  
11 acted improperly in any matter?

12          9.     If so, state the facts upon which YOU base such a contention, including  
13 setting forth YOUR evidence in support.

14          10.    If YOU contend that Norma Davis has committed fraud with regard to any  
15 matter, fully state the evidence supporting this contention.

16

17 Dated: March 4, 2009


18

**STITES LAW FIRM**

19

20

21

By: 

22

Aaron Stites  
Attorneys for Plaintiff

23

JANE DOE

24

25

26

27

28

**PROOF OF SERVICE**

At the time of service I was over 18 years of age and not a party to this action. My business address is 4215 Tierra Rejada Road, #197, Moorpark, California 93021.

On the date stated below, I served the following document(s):

**SPECIAL INTERROGATORIES**

I served the documents on the persons at the address, and/or electronic notification address as follows:

Scott J. Ferrell, Esq.  
Ryan M. McNamara, Esq.  
Call, Jensen & Ferrell  
610 Newport Center Drive, Suite 700  
Newport Beach, CA 92660  
Fax: (949) 717-3100

Attorneys for Defendant  
LOS ANGELES WEST TRAVELODGE PARTNERSHIP, L.P.

The documents were served by the following means:

[X] (By U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the Stites Law Firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Moorpark, California.

[X] (By FACSIMILE TRANSMISSION) On the date below, at the time indicated on the transmittal sheet, I transmitted from a facsimile transmission machine, which telephone number is (805) 531-9402, the document described above and a copy of this declaration to the person, and at the facsimile transmission telephone numbers, set forth above. The transmission was reported as complete and without error by a properly issued transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

I declare under penalty of perjury under the law of the State of California that the forgoing is true and correct.

Date: 3/4/2009

/S/ Aaron Stites  
Aaron Stites

1 Scott J. Ferrell, Bar No. 202091  
2 Ryan M. McNamara, Bar No. 223606  
3 CALL, JENSEN & FERRELL  
4 A Professional Corporation  
5 610 Newport Center Drive, Suite 700  
6 Newport Beach, CA 92660  
7 Tel: (949) 717-3000  
8 Fax: (949) 717-3100

9 Attorneys for Defendant  
10 Los Angeles Travelodge West Partnership, L.P.,  
11 erroneously sued herein As Los Angeles West Travelodge

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

14 JANE DOE,

15 Plaintiff,

16 vs.

17 LOS ANGELES WEST TRAVELODGE;  
18 and DOES 1 through 10,

19 Defendants.

Case No. CV08-8279 CBM (CTx)

**DEFENDANT LOS ANGELES WEST  
TRAVELODGE'S RESPONSES AND  
OBJECTIONS TO REQUEST FOR  
ADMISSIONS, SET ONE**

Complaint Filed: December 18, 2008  
Trial Date: None Set

20 PROPOUNDING PARTY: Plaintiff JANE DOE

21 RESPONDING PARTY: Defendant LOS ANGELES WEST TRAVELODGE

22 SET NO.: One

23  
24  
25 Defendant Los Angeles West Travelodge ("Responding Party" or "Defendant")  
26 hereby responds to Plaintiff Jane Doe's ("Propounding Party" or "Plaintiff") Request  
27 for Admissions, Set One as follows:  
28

1 **1. PRELIMINARY STATEMENT.**

2 Responding Party has not completed its discovery in this matter and has not  
3 completed preparation for trial. The following responses are based on Responding  
4 Party's knowledge as of the date of these responses and are limited to information  
5 currently available to Responding Party after reasonable and diligent investigation. The  
6 responses are given without prejudice to Responding Party's right to produce evidence  
7 of any subsequently discovered facts and/or documents.

8 Responding Party will respond to each Request as it understands and interprets  
9 the Request. If Propounding Party asserts an interpretation of a specific Request that  
10 differs from that of Responding Party, Responding Party reserves its rights to  
11 supplement its objections and/or responses.

12 This Preliminary Statement/Objection is incorporated by this reference into each  
13 and every response below as though set forth in full therein.  
14

15 **2. GENERAL OBJECTIONS AND QUALIFICATIONS.**

16 The following General Objections are in addition to and are incorporated in each  
17 of the Specific Responses set forth in Part 3 below:  
18

19 A. Responding Party objects to all of the individual Requests to the extent  
20 they call for information protected by the attorney-client privilege, the attorney work  
21 product doctrine or any other applicable privilege or protection. To the extent that the  
22 Requests call for information protected by the attorney-client privilege, the attorney  
23 work product doctrine or other applicable privilege or protection, Responding Party  
24 hereby claims such privilege and invokes such protection. The fact that Responding  
25 Party does not specifically object to an individual Request on the ground that it seeks  
26 such privileged or protected information shall not be deemed a waiver of the protection  
27 afforded by the attorney-client privilege, the attorney work product doctrine or other  
28 applicable privilege or protection.

1 B. Responding Party objects to all of the individual Requests to the extent  
 2 they purport to impose upon Responding Party the burden of furnishing information  
 3 that is not available to it or that is equally or more readily available to Propounding  
 4 Party.

5  
 6 C. Responding Party objects to all of the Requests containing the word "you"  
 7 or "you or anyone acting on your behalf" as being vague, ambiguous and overbroad in  
 8 light of the definitions provided for such terms. To the extent that any response has  
 9 been provided to any such interrogatories, Responding Party has assumed the term  
 10 "you" to mean Responding Party only.

11  
 12 D. The foregoing objections and qualifications apply to the responses  
 13 contained herein and are incorporated by reference to the extent applicable to the  
 14 specific responses set forth below as though fully set forth therein. The failure to  
 15 mention any of the foregoing objections and qualifications in the specific responses set  
 16 forth below shall not be deemed a waiver of such objection or qualification.

17  
 18 **3. SPECIFIC RESPONSES.**

19 Subject to and without waiving the foregoing General Objections and  
 20 Qualifications, Responding Party answers as follows:

21  
 22 **REQUEST FOR ADMISSION NO. 1:**

23 An elderly lady of African-American descent, with a dog, was in the lobby of  
 24 your Los Angeles Travelodge West motel at approximately 6:00 p.m. on August 16,  
 25 2008.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

27 Discovery and investigation into subject matter of this action have just begun.  
 28 Accordingly, after a diligent inquiry, Responding Party does not presently possess

1 sufficient information to respond fully to this request. Responding Party therefore  
2 reserves the right to rely, for any purpose, upon information subsequently discovered  
3 during the course of such discovery and investigation. Further, Responding Party's  
4 analysis of known facts, application of legal principles to those facts and legal research  
5 into the subject matter of this action is continuing, and Responding Party anticipates  
6 that such investigation, analysis, and research may reveal new facts and contentions,  
7 and add meaning to known facts and contentions. Responding Party further objects to  
8 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
9 objections, and without admitting or denying the request, Responding Party responds as  
10 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
11 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
12 reserves its right to supplement this Request.

13  
14 **REQUEST FOR ADMISSION NO. 2:**

15 A woman employee of the Los Angeles Travelodge West motel was working at  
16 the front desk at approximately 6:00 p.m. on August 16, 2008.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

18 Responding Party objects to the extent that the Request is vague and ambiguous.  
19 Without waiving the foregoing objections, Responding Party responds as follows:  
20 Admit.

21  
22 **REQUEST FOR ADMISSION NO. 3:**

23 Plaintiff, whose name is Norma Davis, was denied room accommodations at the  
24 Los Angeles Travelodge West on August 16, 2008.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

26 Responding Party objects to the extent that the Request is vague and ambiguous.  
27 Without waiving the foregoing objections, Responding Party responds as follows:  
28 Deny.



1  
2 **REQUEST FOR ADMISSION NO. 4:**

3 On August 16, 2008 Plaintiff was denied room accommodations at the Los  
4 Angeles Travelodge West because she is African-American.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

6 Responding Party objects to the extent that the Request is vague and ambiguous.  
7 Without waiving the foregoing objections, Responding Party responds as follows:  
8 Deny.  
9

10 **REQUEST FOR ADMISSION NO. 5:**

11 On August 16, 2008 Plaintiff told the woman working at the front desk of the Los  
12 Angeles Travelodge West that Plaintiff's dog is a service dog.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

14 Discovery and investigation into subject matter of this action have just begun.  
15 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
16 sufficient information to respond fully to this request. Responding Party therefore  
17 reserves the right to rely, for any purpose, upon information subsequently discovered  
18 during the course of such discovery and investigation. Further, Responding Party's  
19 analysis of known facts, application of legal principles to those facts and legal research  
20 into the subject matter of this action is continuing, and Responding Party anticipates  
21 that such investigation, analysis, and research may reveal new facts and contentions,  
22 and add meaning to known facts and contentions. Responding Party further objects to  
23 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
24 objections, and without admitting or denying the request, Responding Party responds as  
25 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
26 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
27 reserves its right to supplement this Request.  
28

1 **REQUEST FOR ADMISSION NO. 6:**

2 At the hour of 6:00 p.m. on August 16, 2008 the Los Angeles Travelodge West  
3 motel was sold out for the night.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

5 Responding Party objects to the extent that the Request is vague and ambiguous.  
6 Without waiving the foregoing objections, Responding Party responds as follows:  
7 Admit-on or about 6 p.m. on August 16, 2008 the Los Angeles Travelodge West motel  
8 was sold out for the night.

9  
10 **REQUEST FOR ADMISSION NO. 7:**

11 The woman working the front desk of the Los Angeles Travelodge West told  
12 Plaintiff the motel was sold out on August 16, 2008.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

14 Discovery and investigation into subject matter of this action have just begun.  
15 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
16 sufficient information to respond fully to this request. Responding Party therefore  
17 reserves the right to rely, for any purpose, upon information subsequently discovered  
18 during the course of such discovery and investigation. Further, Responding Party's  
19 analysis of known facts, application of legal principles to those facts and legal research  
20 into the subject matter of this action is continuing, and Responding Party anticipates  
21 that such investigation, analysis, and research may reveal new facts and contentions,  
22 and add meaning to known facts and contentions. Responding Party further objects to  
23 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
24 objections, and without admitting or denying the request, Responding Party responds as  
25 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
26 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
27 reserves its right to supplement this Request.



1 **REQUEST FOR ADMISSION NO. 8:**

2 On August 16, 2008 room accommodations were offered to Plaintiff at the Los  
3 Angeles Travelodge West.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

5 Discovery and investigation into subject matter of this action have just begun.  
6 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
7 sufficient information to respond fully to this request. Responding Party therefore  
8 reserves the right to rely, for any purpose, upon information subsequently discovered  
9 during the course of such discovery and investigation. Further, Responding Party's  
10 analysis of known facts, application of legal principles to those facts and legal research  
11 into the subject matter of this action is continuing, and Responding Party anticipates  
12 that such investigation, analysis, and research may reveal new facts and contentions,  
13 and add meaning to known facts and contentions. Responding Party further objects to  
14 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
15 objections, and without admitting or denying the request, Responding Party responds as  
16 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
17 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
18 reserves its right to supplement this Request.

19  
20 **REQUEST FOR ADMISSION NO. 9:**

21 When Plaintiff was at the Los Angeles Travelodge West on August 16, 2008 she  
22 conducted herself in a reasonable manner.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

24 Discovery and investigation into subject matter of this action have just begun.  
25 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
26 sufficient information to respond fully to this request. Responding Party therefore  
27 reserves the right to rely, for any purpose, upon information subsequently discovered  
28 during the course of such discovery and investigation. Further, Responding Party's

1 analysis of known facts, application of legal principles to those facts and legal research  
2 into the subject matter of this action is continuing, and Responding Party anticipates  
3 that such investigation, analysis, and research may reveal new facts and contentions,  
4 and add meaning to known facts and contentions. Responding Party further objects to  
5 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
6 objections, and without admitting or denying the request, Responding Party responds as  
7 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
8 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
9 reserves its right to supplement this Request.

10  
11 **REQUEST FOR ADMISSION NO. 10:**

12 When Plaintiff was at the Los Angeles Travelodge West on August 16, 2008 the  
13 dog with her did not act improperly.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

15 Discovery and investigation into subject matter of this action have just begun.  
16 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
17 sufficient information to respond fully to this request. Responding Party therefore  
18 reserves the right to rely, for any purpose, upon information subsequently discovered  
19 during the course of such discovery and investigation. Further, Responding Party's  
20 analysis of known facts, application of legal principles to those facts and legal research  
21 into the subject matter of this action is continuing, and Responding Party anticipates  
22 that such investigation, analysis, and research may reveal new facts and contentions,  
23 and add meaning to known facts and contentions. Responding Party further objects to  
24 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
25 objections, and without admitting or denying the request, Responding Party responds as  
26 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
27 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
28 reserves its right to supplement this Request.

1 **REQUEST FOR ADMISSION NO. 11:**

2 There are architectural barriers at the Los Angeles West Travelodge.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

4 Responding Party objects to this request on the grounds that it is vague and  
5 ambiguous as to the terms "architectural barriers". Responding Party further objects to  
6 the interrogatory as it assumes facts that are not in evidence. Without waiving the  
7 foregoing objections, Responding Party responds as follows: Deny

8  
9 **REQUEST FOR ADMISSION NO. 12:**

10 It is impracticable to remove the architectural barriers at the Los Angeles West  
11 Travelodge.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

13 Responding Party objects to this request on the grounds that it is vague and  
14 ambiguous as to the terms "impracticable" and "architectural barriers". Responding  
15 Party further objects to the interrogatory as it assumes facts that are not in evidence.  
16 Without waiving the foregoing objections, Responding Party responds as follows: Deny

17  
18 **REQUEST FOR ADMISSION NO. 13:**

19 Admit that it is technically infeasible to remove the architectural barriers at the  
20 Los Angeles West Travelodge.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

22 Responding Party objects to this request on the grounds that it is vague and  
23 ambiguous as to the terms "technically infeasible" and "architectural barriers".  
24 Responding Party further objects to the interrogatory as it assumes facts that are not in  
25 evidence. Without waiving the foregoing objections, Responding Party responds as  
26 follows: Deny

27 ///

28 ///

1 **REQUEST FOR ADMISSION NO. 14:**

2 The Los Angeles Travelodge West does not allow dogs.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

4 Responding Party objects to the extent that the Request is vague and ambiguous  
5 as to the term "dog". Without waiving the foregoing objections, Responding Party  
6 responds as follows: Deny.

7  
8 **REQUEST FOR ADMISSION NO. 15:**

9 The Los Angeles Travelodge West owns the real property where the motel is  
10 located.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

12 Responding Party objects to the extent that the Request is vague and ambiguous.  
13 Without waiving the foregoing objections, Responding Party responds as follows:  
14 Admit.

15  
16 **REQUEST FOR ADMISSION NO. 16:**

17 Any discrimination Plaintiff suffered at the Los Angeles Travelodge West  
18 resulted from isolated interruption in the services.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

20 Discovery and investigation into subject matter of this action have just begun.  
21 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
22 sufficient information to respond fully to this request. Responding Party therefore  
23 reserves the right to rely, for any purpose, upon information subsequently discovered  
24 during the course of such discovery and investigation. Further, Responding Party's  
25 analysis of known facts, application of legal principles to those facts and legal research  
26 into the subject matter of this action is continuing, and Responding Party anticipates  
27 that such investigation, analysis, and research may reveal new facts and contentions,  
28 and add meaning to known facts and contentions. Responding Party further object to

1 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
2 objections, and without admitting or denying the request, Responding Party responds as  
3 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
4 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
5 reserves its right to supplement this Request.

6  
7 **REQUEST FOR ADMISSION NO. 17:**

8 Norma Davis has done nothing fraudulent.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

10 Discovery and investigation into subject matter of this action have just begun.  
11 Accordingly, after a diligent inquiry, Responding Party does not presently possess  
12 sufficient information to respond fully to this request. Responding Party therefore  
13 reserves the right to rely, for any purpose, upon information subsequently discovered  
14 during the course of such discovery and investigation. Further, Responding Party's  
15 analysis of known facts, application of legal principles to those facts and legal research  
16 into the subject matter of this action is continuing, and Responding Party anticipates  
17 that such investigation, analysis, and research may reveal new facts and contentions,  
18 and add meaning to known facts and contentions. Responding Party further objects to  
19 the extent that the Request is vague and ambiguous. Without waiving the foregoing  
20 objections, and without admitting or denying the request, Responding Party responds as  
21 follows: After a reasonable search and diligent inquiry, Responding Party is presently  
22 unable to admit or deny the Request. Discovery is continuing, and Responding Party  
23 reserves its right to supplement this Request.

24  
25 **REQUEST FOR ADMISSION NO. 18:**

26 The franchisor/licensor has sent written rules to the Los Angeles Travelodge  
27 West stating that service dogs are allowed at the motel.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

2 Responding Party objects to the extent that the Request is vague and ambiguous.  
3 Without waiving the foregoing objections, Responding Party responds as follows:  
4 Deny.

6 **REQUEST FOR ADMISSION NO. 19:**

7 There are written rules at the Los Angeles Travelodge West providing that there  
8 is to be no discrimination against African-Americans.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

10 Responding Party objects to the extent that the Request is vague and ambiguous.  
11 Without waiving the foregoing objections, Responding Party responds as follows:  
12 Deny-Responding Party has an oral policy not to discriminate.

14 **REQUEST FOR ADMISSION NO. 20:**

15 Only the defendant Los Angeles Travelodge West L.P. is responsible for the  
16 operation of the Travelodge motel.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

18 Responding Party objects to the extent that the Request is vague and ambiguous.  
19 Without waiving the foregoing objections, Responding Party responds as follows:  
20 Admit.

22 **REQUEST FOR ADMISSION NO. 21:**

23 Mark Beccaria has control over the operation of the Los Angeles Travelodge  
24 West motel.

25 ///

26 ///

27 ///

28 ///

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

Responding Party objects to the extent that the Request is vague and ambiguous. Without waiving the foregoing objections, Responding Party responds as follows: Admit.

Dated: March 31, 2009

CALL, JENSEN & FERRELL  
A Professional Corporation  
Scott J. Ferrell  
Ryan M. McNamara

By: 

Ryan M. McNamara

Attorneys for Defendant Los Angeles Travelodge  
West Partnership, L.P., erroneously sued herein  
as Los Angeles West Travelodge



**CERTIFICATE OF SERVICE**  
(United States District Court)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

On March 31, 2009, I have served the foregoing document described as **DEFENDANT LOS ANGELES WEST TRAVELODGE'S RESPONSES AND OBJECTIONS TO REQUEST FOR ADMISSIONS, SET ONE** on the following person(s) in the manner(s) indicated below:

**SEE ATTACHED SERVICE LIST**

☐ (BY ELECTRONIC SERVICE) I am causing the document(s) to be served on the Filing User(s) through the Court's Electronic Filing System.

☒ (BY MAIL) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

☐ (BY OVERNIGHT SERVICE) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for delivery by overnight courier. Correspondence so collected and processed is deposited in a box or other facility regularly maintained by the overnight service provider the same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope designated by the overnight service provider with delivery fees paid or provided for, addressed as set forth herein, and such envelope was placed for delivery by the overnight service provider at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

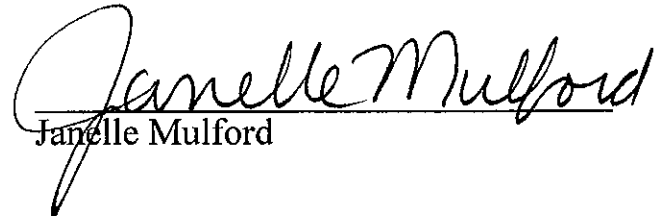
☐ (BY FACSIMILE TRANSMISSION) On this date, at the time indicated on the transmittal sheet, I transmitted from a facsimile transmission machine, which telephone number is (949) 717-3100, the document described above and a copy of this declaration to the person, and at the facsimile transmission telephone numbers, set forth herein. The above-described transmission was reported as complete and without error by a properly issued transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

☐ (BY E-MAIL) I transmitted the foregoing document(s) by e-mail to the addressee(s) at the e-mail address(s) indicated.

1  
2 ☐ (FEDERAL) I declare that I am a member of the Bar and a registered Filing User  
for this District of the United States District Court.

3 ☒ (FEDERAL) I declare that I am employed in the offices of a member of this  
4 Court at whose direction the service was made.

5 I declare under penalty of perjury under the laws of the United States of America  
6 that the foregoing is true and correct, and that this Certificate is executed on March 31,  
2009, at Newport Beach, California.

7  
8   
Janelle Mulford  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SERVICE LIST**

Aaron G. Stites, Esq.

Attorneys for Plaintiff

Stites Law Firm

4215 Tierra Rejada Road, #197

Moorpark, CA 93021

Tel: (310) 743-6438

[agstites@stitesfirm.com](mailto:agstites@stitesfirm.com)